

## 10 CFR 851 Worker Safety and Health Program Rule

### What It Is and What You Need to Know

#### What is 10 CFR 851?

DOE recently issued a new worker safety and health program rule. The rule sets worker safety and health requirements that govern the conduct of contractor activities at DOE sites. The rule codifies and largely incorporates DOE Order 440.1A.

Under the rule, contractors must:

- » provide a place of employment free from recognized hazards that cause or have the potential to cause death or serious physical harm to workers, and
- » ensure that work is performed in accordance with all applicable requirements and with the worker safety and health program for that workplace.

#### What Does 10 CFR 851 Do?

##### The Worker Safety and Health Program Rule:

- ***Applies to both contractors and subcontractors*** – Under the new rule, contractors and subcontractors are treated equally.
- ***Incorporates many health and safety standards*** – For example OSHA standards, ANSI (American National Standards Institute), NFPA (National Fire Protection Association), ACGIH TLVs (American Conference of Government Industrial Hygienists Threshold Limit Values)
- ***Requires that hazards be identified and controlled and that procedures be developed for workers to report hazards without reprisal***
- ***Requires contractors use the hierarchy of controls to mitigate hazards***
- ***Requires that there be communication with workers; that a written Worker Safety and Health Program be available for review; that the 851 poster be posted***
- ***Requires that there be stop work and work refusal procedures***
- ***Requires that workers be trained*** – New workers must be trained. Periodic training is required for the workforce and additional training must be provided when new or increased hazards are present.
- ***Incorporates penalties for violations*** – Investigations and inspections that find contractor non-compliance may lead to enforcement letters, settlements, civil penalties, or fee reductions/contract penalties. Civil penalties up to \$70,000 per violation are possible.

## Your Right to a Safe and Healthful Workplace Includes:

- The right to notify your employer or the local Department of Energy (DOE) office about workplace hazards, without reprisal. You may ask that your name not be used.
- The right to participate in the activities referenced in 10 CFR 851 “Worker Safety and Health Program,” on official time.
- The right to access copies of DOE worker protection publications; the worker safety and health program for your workplace; and the standards, controls, and procedures that apply to your workplace.
- The right to have access to some accident and illness recordkeeping logs and the information in records of any workplace illness or injury that you experienced.
- The right to observe monitoring or measuring of hazardous agents, to receive the results of your own monitoring, and be notified when monitoring results indicate overexposure.
- The right to have a representative present during the inspection of your workplace. If no representative is available, the inspector must consult with employees on matters of worker safety and health.
- The right to request and receive results of inspections and accident investigations.
- The right to decline to perform an assigned task because of your reasonable belief that, under the circumstance, the task poses an imminent risk of death or serious physical harm to you, coupled with your reasonable belief that there is insufficient time to seek effective redress through the normal hazard reporting and abatement procedures.

You can find more information on the 851 rule on the web:

*<http://hss.doe.gov/HealthSafety/WSHP/rule851/851final.html>*

## NIEHS/DOE Training Providers:

Center to Protect Workers' Rights	301-578-8500
Hazardous Materials Training and Research Institute	319-398-5504
International Association of Fire Fighters	202-737-8484
International Brotherhood of Teamsters	202-624-6960
International Chemical Workers Union Council in cooperation with the International Association of Machinists and Aerospace Workers	330-926-1444
International Union of Operating Engineers	304-253-8674
Laborers-AGC	860-974-0800
United Steelworkers/Tony Mazzochi Center	615-831-6775

### NIEHS Worker Education and Training Program

For more information, Contact the National Clearinghouse for Worker Safety and Health Training at 202-331-7733 or <http://tools.niehs.nih.gov/wetp>

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